

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

LANDMARK CREDIT UNION
Plaintiff,

v.

Case No. 06C0263

DANIEL L. MUELLER
Defendant.

ORDER

On March 6, 2006, pro se defendant Daniel L. Mueller filed a “Notice of Removal” removing to federal court the above-captioned matter originally filed as Landmark Credit Union v. Mueller, Waukesha County Circuit Court Case No. 05-SC-5228. In addition, Mueller filed an application to proceed in forma pauperis.

Mueller has previously attempted to remove the same action. See Landmark Credit Union v. Mueller, Eastern District of Wisconsin Case No. 05-CV-1278; Landmark Credit Union v. Mueller, Eastern District of Wisconsin Case No. 06-CV-0234. Both times it was remanded. The materials that Mueller filed in connection with the present removal are nearly identical to the materials filed in connections with the previous removals. In this removal, Mueller fails to describe any intervening event that would justify a third attempt at removal.

As explained by Judge Stadtmueller, Mueller’s removal is barred by the law of the case. (See Order Remanding Case, Feb. 28, 2006) (citing Midlock v. Apple Vacations West, Inc., 406 F.3d 453, 457 (7th Cir. 2005) (stating that after a case has been remanded, subsequent removals are barred by the law of the case and noting that a defendant cannot

remove his case as many times as he wants until he finds a judge who agrees with him)). Moreover, even if removal were not barred by the law of the case, Mueller has provided no meritorious grounds for removal. As explained previously, the Waukesha County case does not include a federal claim. (See Order Remanding Case, Jan. 13, 2006 at 5.) Thus, I will remand this action to the Waukesha County Circuit Court.

Mueller will also be directed to pay the \$250 filing fee for initiating this action as the court must deny a motion for leave to proceed in forma pauperis if the action is frivolous. 28 U.S.C. § 1915(e)(2)(B)(i). Because Mueller has not basis for removal of this action, the removal is frivolous. See, e.g., Henderson v. 90 CR 3776 People of State of Ill., No. 94C4459, 1994 WL 468591, at *2 (N.D. Ill. Aug. 26, 1994) (determining that a pro se litigant's removal is frivolous where no basis for removal exists).

Accordingly,

IT IS ORDERED that Mueller's application to proceed in forma pauperis is **DENIED** and this case is hereby **DISMISSED WITH PREJUDICE**.

Dated at Milwaukee, Wisconsin, this 12 day of March, 2006.

/s_____
LYNN ADELMAN
United States District Judge